

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

3052 Brighton First, LLC,

Debtor.
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Chapter 11

Case No. 20-40794-nhl

Hon. Nancy Hershey Lord
United States Bankruptcy Judge

**DECLARATION OF SHOSHANA CARMEL REGARDING GOOD FAITH OF 3052
BRIGHTON 1ST STREET II LLC, THE BACK-UP BIDDER AT THE AUCTION**

SHOSHANA CARMEL, hereby declares under penalty of perjury and pursuant to 28 U.S.C. § 1746 that the following is true and correct to the best of my knowledge, information and belief:

1. I am the Director of 3052 Brighton 1st Street II LLC (the “Secured Creditor”). The Secured Creditor, a secured creditor and interested party to this Chapter 11 case and have personal knowledge of the facts of this case and the events that transpired to date based upon the files maintained by the Secured Creditor in the ordinary course of its business. As such, I am fully familiar with the facts and circumstances of this matter.

2. The Secured Creditor, with a bid of credit and sufficient cash to allow the *3052 Brighton 1st Street LLC and 3052 Brighton 1st Street II LLC’s Modified Third Amended Plan of Liquidation for 3052 Brighton First, LLC* [ECF No. 188] (the “Plan”) to become effective, placed the second highest and best bid at the auction sale of the real property at 3052/3062 Brighton 1st Street, Brooklyn, NY 11245 (Block: 8669, Lot 18) (the “Property”), behind the bid of 3052 Brighton Ave, Limited Liability Company (the “Successful Bidder”).

3. I respectfully submit this Declaration to support of an order approving the sale of the Property to the Successful Bidder and, if the Successful Bidder defaults, to the Secured Creditor (or its designee, assignee or nominee) (the “Back-up Bidder”), including the extension of good

faith and non-collusion protections of Sections 363(m) and (n) of Title 11 of the United States Code (the “Bankruptcy Code”) to the Back-up Bidder.

4. The Back-up Bidder has acted in good faith and without collusion with any other bidder or potential bidder. The auctioneer and the broker did not make information concerning the Property available to the Back-up Bidder that was not also available to all potential bidders before the Auction. There was no collusion between the Back-up Bidder and any other bidder or potential bidder.

WHEREFORE, I respectfully request entry of an order approving the sale to the Successful Bidder or the Back-up Bidder if the Successful Bidder should default, with a finding under Section 363(m) and (n) of the Bankruptcy Code as to the Back-up Bidder.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing statements are true and correct.

Dated: New York, New York
November 29, 2022


SHOSHANA CARMEL